

Message

From: Brown, Leah [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B8E396F718A74D0BB01F1E35B7319572-RINDNER, LE]
Sent: 8/30/2018 10:28:36 PM
To: Croxton, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ca7b9940863640d5b96f4295ea3c9641-Croxton, Dave]
Subject: RE: And another NOI - Deschutes

I don't think so – the goal is still to stop her from suing us!

Leah Brown
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From: Croxton, David
Sent: Thursday, August 30, 2018 3:18 PM
To: Brown, Leah <Brown.Leah@epa.gov>
Subject: FW: And another NOI - Deschutes

Anything about this change my phone call messaging to Nina?

From: Stern, Allyn
Sent: Thursday, August 30, 2018 1:29 PM
To: Fidis, Alexander <Fidis.Alexander@epa.gov>
Cc: Croxton, David <Croxton.David@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Schroer, Lee <schroer.lee@epa.gov>; Brown, Leah <Brown.Leah@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Chung, Angela <Chung.Angela@epa.gov>
Subject: And another NOI - Deschutes

Just received the 60 day notice from NWEA for failure to establish replacement TMDLs on the Deschutes. We just did the disapproval on June 29, 2018

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On Aug 30, 2018, at 9:06 AM, Fidis, Alexander <Fidis.Alexander@epa.gov> wrote:

Lori, Dave and Jill-

Allyn was able to track down the Center for Biological Diversity Oregon ocean acidification NOI on Inside EPA. Below is the excerpt of the notice dealing with the two legal claims. As we anticipated, one is CWA mandatory duty and the other is APA unreasonable delay.

EPA's failure to perform its non-discretionary duty under section 303(d)(2) to identify waters not meeting water quality standards within thirty days of its disapproval of Oregon's 2012 303(d) list constitutes a violation of the CWA. To date, EPA has not taken final action on its proposal to add 332 impaired waters nor has it identified any waters impaired by ocean acidification for Oregon's 2012 303(d) list. More than a year and a half have elapsed since EPA partially disapproved Oregon's 2012

303(d) list, and EPA has failed to act within the 30-day time limit. EPA is in violation of section 303(d) of the CWA, 33 U.S.C. § 1313(d)(2), and the Administrative Procedure Act for unlawfully withholding and unreasonably delaying action. 5 U.S.C. § 706(1).

<OR OA NOI.pdf>